



Commonwealth of Massachusetts  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

May 12, 2020

To all Regional Administering Agencies and Local Housing Authorities

Re: Waiver of Increases in Program Participant Share of Rent under MRVP, AHVP and DMH Rental Assistance During the COVID-19 Pandemic

The April 30, 2020 regulatory waiver issued by the Department of Housing & Community Development (DHCD) temporarily waiving certain requirements under 760 CMR 49.00, 760 CMR 53.00, and 760 CMR 38.00 is hereby rescinded, and is superseded and replaced by this regulatory waiver, provided, however, that this rescission shall not be deemed to alter the rights of any tenant that is a party to an Local Housing Authority (LHA) or Regional Administering Agency (RAA) document referencing the April 30, 2020 regulatory waiver.

DHCD is hereby temporarily waiving certain requirements under 760 CMR 49.00 *et seq.*, 760 CMR 53.00 *et seq.*, and 760 CMR 38.00 *et seq.* and to require LHAs and RAAs to limit increases in the amount that a program participant pays per toward rent or occupancy charges, and in determining the amount of a voucher payment, under the Massachusetts Rental Voucher Program (MRVP), the Alternative Housing Voucher Program (AHVP) and the Department of Mental Health Rental Subsidy Program (DMHRSP) for the months of April, May, June and July, 2020.

The reason for this regulatory waiver is to ease the financial burden on both tenants temporarily receiving enhanced unemployment insurance under the federal CARES Act, including the Federal Pandemic Unemployment Compensation (FPUC) provided under Section 2104 of the CARES Act, and those employed as essential workers whose income may have temporarily increased during the COVID-19 public health emergency. During the waiver period, the required contribution toward rent for existing program participants who received increased income from earnings or enhanced unemployment insurance will be capped at the amount charged to them on March 1, 2020 for the month of March, 2020.

In order to achieve this rent freeze, notwithstanding anything to the contrary in 760 CMR 49.05(5)(a) and (b), 760 CMR 49.05(7)(b)(2), 760 CMR 53.06(1), 760 CMR 53.06(2), 760 CMR 53.06(4), 760 CMR 38.07(3) and (4), during the period that this waiver is in effect,

- Additional earned income over and above the amount included in the computation of gross household income on March 1, 2020 shall be disregarded, and
- Unemployment insurance, including the Federal Pandemic Unemployment Compensation (FPUC) provided under Section 2104 of the CARES Act, that causes monthly gross household income to exceed the amount of income included in the prior computation of gross household income shall be disregarded.

In addition, during this same period, notwithstanding anything to the contrary in 760 CMR 49.03(1), 760 CMR 53.04(1) and 760 CMR 38.05(1)(a) and (2)(a), the FPUC provided under Section 2104 of the CARES Act shall be disregarded for purposes of determining program eligibility.

This waiver shall take effect immediately and shall apply to any LHA administering state-aided public housing.

Please note that to the extent required by guidance previously issued by the Department, LHAs and RAAs must process interim rent determinations but they may not increase rents charged to any tenant above the amount charged on March 1, 2020 until after July 31, 2020 or such later date as published by the Department. If an LHA or an RAA has already determined a tenant rent share and included the full FPUC, the LHA or RAA shall amend that determination for the months of April and May and reimburse the overpaid tenant portion of the rent share to the household.

If you have questions, please contact Cecilia Woodworth, Assistant Director at [cecilia.woodworth@mass.gov](mailto:cecilia.woodworth@mass.gov).

Sincerely,

A handwritten signature in blue ink that reads "Jennifer D. Maddox". The signature is written in a cursive style with a large initial "J".

Jennifer D. Maddox  
Undersecretary